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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

BURKINA FASO

[7 July 1993]

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I. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken to harmonize national law and policy with the provisions of the Convention

1. Burkina Faso promptly ratified the Convention on the Rights of the Child, on 23 July 1990, the legislative and administrative measures in force in the country being favourable to the implementation of the Convention. These measures include:

(a) Zatu (ordinance) No. 86-005/CNR/PRES of 16 January 1986, adopting measures for disabled persons;

(b) Kiti (decree) No. AN-IV 210/CNR/EFSN of 26 December 1986, laying down the rules governing orphanages and institutions for the care and custody of orphaned and abandoned children. The decree is aimed at introducing cooperation between the Social Action Department and such establishments and at ensuring that the policy for protecting children in danger is effectively implemented;

(c) The Code of the Individual and the Family, which was adopted on 16 November 1989 and entered into force on 4 August 1990;

(d) Kiti (decree) No. AN-VII 0319/FP/SAN-AS of 18 May 1990, issuing regulations for the placement and monitoring of children to guarantee continued relations between families of origin and adoptive families, and especially to ensure proper follow-up of children in placement.

B. Existing or planned mechanisms at national or local level for coordinating policies relating to children and for monitoring the implementation of the Convention

1. Follow-up and Evaluation Committee for the National Action Plan

2. Following the adoption of the National Plan of Action (NAP), a national committee was established to follow up and evaluate the Plan; it is made up of the following:

Chairman: A representative of the Ministry of Social Action and the Family.

Vice-Chairman: A representative of the Ministry of Finance and the Plan.

Permanent Secretariat: The Ministry of Social Action and the Family.

Members: A representative of each of the following bodies:

Ministry for Primary Education

Ministry for Secondary Education

Ministry of the Environment

Ministry for Youth

Ministry of Justice

Ministry for Employment

Ministry of Agriculture

Ministry for Water

Ministry of Information

Ministry of Culture

Ministry for the Plan

Ministry of Foreign Affairs

Ministry of National Administration

UNICEF (representing the international organizations)

Association of Parents of Encephalopathic Children (representing the associations working on behalf of children)

Children of the World (representing the non-governmental organizations working on behalf of children)

Catholic Church

Islamic associations

Protestant Church

Customary authorities

3. The aims of the Committee are:

(a) To prepare follow-up indicators;

(b) To follow up the implementation of the NAP;

(c) To propose the necessary readjustments after each evaluation;

(d) To prepare periodic reports, including reports on the implementation of the Convention on the Rights of the Child;

(e) To hold regular meetings with all bodies working for children.

The Committee's first task after it was established was to prepare this report.

2. Other mechanisms

4. Burkina Faso has set up a National Committee to Combat Female Circumcision (see para. 33).

5. Efforts also focus on raising the public's awareness of children's rights:

(a) Holding a national forum in Burkina Faso in accordance with article 42 of the Convention, with a view to raising the public's awareness of the rights of the child;

(b) Conference and lecture on the rights of the child (March 1993) during and after the Ougadougou Pan-African Cinema Festival (FESPACO);

(c) Television programmes in Burkina Faso designed for and with participation by children;

(d) Plays on children's rights, performed by the children themselves; participation in the drafting of the NAP; participation in the celebration of the various children's days, during which the rights of the child are discussed.

6. The Committee responsible for monitoring the NAP will be drawing up an appropriate strategy for better implementation, regular monitoring and broad dissemination of the reports on the NAP among the population of Burkina Faso.

II. DEFINITION OF THE CHILD

7. Under article 1 of the Convention on the Rights of the Child, a child is "every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier". In Burkina Faso, article 554 of the Code on the Individual and the Family sets the age of majority at 20. The Penal Code sets majority age at 17.

8. In Burkina Faso, parents are bound to discharge the obligation of compulsory schooling for their children. However, constraints such as the lack of school infrastructures, low incomes and poor understanding among some parents are serious obstacles to the fulfilment of this obligation. Thus, the rate of school enrolment in Burkina Faso is quite low.

A. Employment

9. Given the difficulty of entering the labour force, young people are generally forced to perform odd jobs in the informal sector. Since Burkina Faso is an agricultural, undeveloped country, children are often forced to work at an early age for long hours and occasionally at jobs for which they are not strong enough.

10. Because it is difficult to place limits on work by young people in the home, the family and the community in a socio-economic context that is painful for both young people and adults, it is a complex undertaking to issue regulations on employment of the young. However, the provisions of

Order No. 539/ITLS/HV of 29 July 1954, on the employment of the young stipulate that children shall enjoy rest periods and define work that is dangerous to their morals or beyond their strength and is therefore prohibited. In addition to these provisions, employment of young people requires prior written consent by the parents or guardians, given to the employer under the supervision of the Labour Inspectorate. The minimum age of employment is 14.

B. Marriage

11. Article 238 of the Code on the Individual and the Family sets the minimum age for marriage at 20 for boys and 19 for girls. However, derogations may be made by the judge in certain cases in which the age is 18 for boys and 15 for girls. The Code on the Individual and the Family stipulates that there must be mutual consent to the marriage, which brings an end to forced marriages.

C. Enlistment in the army

12. The minimum age for voluntary enlistment in the army is 20, whereas the minimum age of conscription is 18 (National Development Service (SND)).

D. Criminal liability

13. Act No. 19 AN of 9 May 1961, concerning young offenders, establishes a special criminal regime for young delinquents or offenders which is quite different from that of adults. The age of majority for criminal matters being 18, this concerns all young people under that age, with the exception of minors under 13, who cannot be held legally responsible in any way. The opening of an inquiry is mandatory, even for ordinary offences. However, if the child is being prosecuted together with adults, the procedure for adults can be applied to him.

III. GENERAL PRINCIPLES

A. Non-discrimination

14. Article 1 of the Constitution stipulates: "All inhabitants of Burkina Faso are born free and equal before the law". Discrimination of any kind, in particular discrimination based on race, ethnic group, religion, colour, sex, language, caste, political opinion, property or birth, is prohibited.

15. A few forms of discrimination can still be seen, however, such as schooling, where 34 per cent of boys are enrolled in school as against 22 per cent of girls (1990). This situation is worse in rural areas, where tradition weighs heavily against girls (forced marriages and the status of women in traditional society, which sees them more as child-bearers than as managers of production units). An added factor is the increasingly high cost of education, which places children from the less affluent social classes at a disadvantage in entering primary and secondary schools and, to a lesser degree, pre-school institutions (0.7 per cent of children were enrolled in pre-school classes in 1992). However, the State has focused its policy in favour of children on access to schools by a greater number of children from

all social classes, through five-year development plans: building new schools, raising awareness of the need for girls to attend school; literacy programmes for mothers, etc.

B. Best interests of the child

16. Articles 401 to 407 of the Code on the Individual and the Family are in keeping with article 3 of the Convention on the Rights of the Child. The child holds pride of place in Burkina Faso's social policy. This can be seen from the measures taken in the area of health (vaccination, development of mother and child care services, family planning policy, expansion of the health infrastructure, legal provisions for the affiliation of children born out of wedlock and abandoned children (arts. 220 to 502 of the Code on the Individual and the Family).

17. Nevertheless, a few difficulties linked to the pressures of tradition do persist: rejection of children born out of wedlock, children of mentally-ill mothers, twins, children without a mother and of unmarried mothers. Efforts by the public services and social partners aim at making the people concerned sensitive to this problem; the establishment of associations to help children is part of such efforts.

C. Right to life, survival and development

18. The right to life is recognized and guaranteed by the Constitution in article 2. The Code on the Individual and the Family considers only born and viable children have the right to life (art. 2, para. 3). The Civil Code, however, grants the right to life even to babies in gestation by prohibiting and punishing abortion. The right to life means that States must ensure that children survive by guaranteeing them better health, medical care and an adequate standard of living, whatever the financial circumstances, in time of war as well as peace. Measures to this effect have been taken by the authorities of Burkina Faso. One example is the adoption of the NAP for the Survival, Protection and Development of the Child in Burkina Faso for the 1990s.

D. Respect for the views of the child

19. Article 12 of the Convention on the Rights of the Child implies that giving the child a voice means giving him rights in the legal sphere. In Burkina Faso, parents direct their children's education throughout the child's entire minority: they decide on the child's instruction, vocational and political training, religion, and so on. Children are educated in accordance with their parents' social standards. In this context, the child's views cannot take precedence. Efforts will therefore be undertaken to ensure that parents take their children's views into account in major decisions concerning them.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality

20. Children are entitled to a civil status that indicates they belong to a family. Parents have the obligation to declare the child's birth to the registrar and to give him or her a name. For foundlings or abandoned children, the name is assigned by the registrar. The Code on the Individual and the Family provides for affiliation by adoption, so that every child may have a status.

21. The child's civil status should bring out his connection to a country, while respecting his personality. The Code on the Individual and the Family stipulates: "Until proof of the contrary is given, newborn children found in Burkina Faso are presumed to have been born in Burkina Faso. All children born of unknown parents in Burkina Faso are also nationals of Burkina Faso." These provisions are helpful to newborn children so far as establishing their identity is concerned.

22. However, acquisition of nationality does not confer all the rights relating thereto: in order to run for the highest office, a person must have been born in Burkina Faso, of parents themselves born in Burkina Faso (Constitution, art. 38). The electoral law also stipulates waiting periods between the acquisition of the nationality and the actual enjoyment of the right to vote.

B. Preservation of identity

23. Children born in wedlock bear their father's surname. Article 33 of the Code on the Individual and the Family stipulates that no one may bear any surname or first names other than those listed on his or her birth certificate or mentioned additionally. Changes in surnames or first names are made only after a substantiated application is sent to the presiding magistrate of the place in which the person is domiciled, who decides after the request is published and an inquiry is made into the advisability of such a step.

C. Freedom of expression

24. Children need to express themselves to develop fully. They need to express themselves through speech, drawing, music, dance, play, etc., in order for the socialization process to take place as smoothly as possible.

25. All children in Burkina Faso are recognized as having freedom of expression. All efforts aim at fostering such expression. The cultural institutions have also established facilities for artistic expression where children are able to participate in the various artistic disciplines at all levels. This is an indication that children's rights to leisure and recreational and cultural activities are recognized. Children are invited to take part in all events that concern them, on which occasions they are given the opportunity to speak. In addition, numerous associations and organizations are established with and for children.

D. Access to information

26. In Africa in general, and Burkina Faso in particular, children are taught the rules of life by their parents, adults and old people. However, they also have access to information through the mass media, to a greater or lesser extent depending on their social class.

27. When necessary, however, censorship is exercised in order to protect the child's development and psychological balance. In the field of traditional education, therefore, children are kept out of adult discussions if the subject seems inappropriate for them. At the State level, too, there is a national film censorship commission. In any event, work remains to be done in order for children to have access to information.

E. Freedom of thought, conscience and religion

28. Freedom of thought, conscience and religion is recognized by the Constitution, article 7 of which stipulates: "Freedom of belief, non-belief, conscience, religious and philosphical opinion, religious worship, assembly, and freedom to hold processions and events are guaranteed by this Constitution ...". The exercise of these rights is subject to respect for the law, public order, morality and human dignity.

29. Parents are granted the right to make decisions concerning their children's education and vocational, political and religious training.

F. Freedom of association and of peaceful assembly

30. Article 4 of the Constitution guarantees freedom of association. This freedom, however, must be exercised in conformity with the laws and regulations in force. Burkina Faso grants children freedom of association and of peaceful assembly. However, children remain under the civil liability of their parents.

G. Protection of privacy

31. The home, domicile, privacy and family life and correspondence of everyone are inviolable (Constitution, art. 6). However, the law does stipulate restrictions in this area. The judicial authorities retain the right to order intervention in the domicile. Under certain circumstances, the judge or his representative is authorized to enter private homes for the purpose of obtaining information required in connection with measures they must take for the protection of children or the family.

H. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

32. Article 2 of the Constitution contains provisions prohibiting torture and cruel, inhuman or degrading treatment. Under article 7 of Act 19-61, AN of 9 May 1961, relating to any parent or guardian guilty of ill-treatment or negligence of their children is prosecuted.

33. However, sexual mutilation, in particular female circumcision, does persist. This form of violence is on the decrease, even though there are structural resistances, linked to attitudes, which make it difficult to combat. With a view to abolishing this practice, Burkina Faso has established a National Committee to Combat Female Circumcision, made up as follows:

Chairman: Representative of the Ministry of Social Action and the Family

Members: One representative of each of the following bodies:

Ministry of Health, Social Action and the Family

Ministry for Primary Education and Mass Literacy Programmes

Ministry for Secondary Education, Higher Education and Scientific Research

Ministry of Agriculture

Ministry of Justice

Ministry of Communications

Ministry of Culture

Three NGOs dealing with women's issues

Burkina Faso Midwives' Association

Burkina Faso Family Welfare Association

AI. (Nurses' Association)

Burkina Faso Widows' and Orphans' Association (AVOB)

Burkina Faso Red Cross

Muslim community

Catholic community

Federation of Evangelical Churches and Missions (FEME)

Customary authorities.

The Committee's basic purpose is to prepare, implement, coordinate and evaluate all strategies aimed at the gradual abolition of this and any other practices affecting the health and development of women and children.

34. There are no courts specializing in the treatment of juvenile offenders in Burkina Faso. Conditions of detention are deplorable: insufficient and poor food, along with overcrowding, which makes sanitary conditions appalling. The lack of infrastructures forces the prison administration to hold children

in the same cells as adults, which accustoms the children to crime and delinquency. Quite recently, a juveniles wing was opened at the Ouagadougou Prison. Such efforts are insufficient, however, to meet the situation as it stands. For 1990, the number of children between 13 and 18 years of age in prison was estimated at 270. However, NAP provides for the establishment of screening centres for children under arrest.

35. In view of the limited means available and the insufficient institutions for the care, training and rehabilitation institutions for children Burkina Faso is focusing on action for "street children". Reformatories have been found to present problems of a human, material and financial nature. Therefore, the Education in an Open Environment Campaign (AEMO), begun in 1989, provides support for the work of the rehabilitation institutions as regards both infrastructure and methods of operation. As a flexible arrangement, the AEMO makes it possible to provide supervision for a larger number of children.

36. Burkina Faso has also devised strategies to combat soliciting and prevent children from frequenting bars and dance halls. This is to protect minors, and especially girls, against the scourge of prostitution and crime.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

37. The family is the basic unit, an irreplaceable environment for children. It provides children with the psychological elements needed for the development of their personality. It is therefore essential that children should not be cut off from their families (their natural environment). For this reason, Burkina Faso's policy on protection of children gives priority to placement in foster families for orphans with no means of support, foundlings and abandoned children. Placement in care or custody institutions remains the last resort. With regard to young people, Burkina Faso gives priority to the Education in an Open Environment Campaign.

A. Parental guidance

38. Parents direct their children's education throughout the children's minority. They decide on the methods for their children's education and vocational training. It is also their duty to enrol their children in school from the age of 6 through 14 years (art. 2 of decree No. 289 Bis/PRES/EN of 3 August 1965 reorganizing the primary education system). These rights and duties are limited by the insufficient number of places in the schools: lack of infrastructures, poor distribution throughout the country, overcrowded classes, especially in urban areas, etc. This is compounded by the low rate of school enrolment (30.69 per cent in 1992), characterized by regional disparities (80 per cent in the cities and 10 per cent in the rural areas), inequalities between girls and boys (girls account for 38 per cent of total enrolment) and a high drop-out rate, basically due to the schools' failure to adapt to the country's socio-economic needs.

B. Parental responsibilities

39. Parents have the right to keep their children with them, so that they can exercise the other rights: the right to education and the right to

supervision. Minors cannot leave the family home without their parents' authorization, and the parents can compel them to return home. Care and supervision are all the more necessary as any damage caused by minors living with their parents makes the parents liable (Civil Code, art. 1384, para. 5).

C. Separation from parents

40. Children in Africa are considered to be part of an extended family. All the family members, in fact the whole of society, are responsible for bringing up children. The break-up of the traditional large family, due to the difficult socio-economic changes affecting the countries of the third world, is disconcerting, and the adults, who, caught up themselves in the struggle for survival, often shirk their responsibility to bring up their children. More and more children are being placed in the care of people other than their parents. In such cases, the children experience the repercussions of the destructuring of the family. When divorces occur, custody is awarded to one parent or the other, in the light of the interests of the child. In exceptional cases, children may be placed in the care of a third person, whether a relative or not, or even in the care of a legal entity when the parents cannot provide sufficient guarantees. Nevertheless, for children under seven years of age, priority is given to the mother in awarding custody, except in cases of force majeure (Code on the Individual and the Family, art. 437, para. 2).

D. Family reunification

41. It can generally be said that, from a legal point of view, steps are taken to avoid separations.

E. Recovery of maintenance for the child

42. The law establishes a maintenance obligation to satisfy the child's basic needs, but this obligation is due only if the individual claiming it gives proof of vital needs that he or she cannot meet alone and if the person against whom the claim is made possesses sufficient resources to supply them.

F. Children deprived of a family environment

43. Orphans, foundlings or abandoned children, in particular, are given special attention. One example is the establishment of a service for the protection of children in danger, within the Department for Children's Affairs, in the Ministry for Social Action and the Family.

44. The State has begun supporting private initiatives aimed at the enactment of regulations for placing children deemed to be at risk. Efforts aim at raising families' awareness and re-awakening the traditional feeling of solidarity towards children without parents. The focus is on encouraging the extended family to take in such children. Placement in families is given priority over all other measures. Placement in institutions remains a last resort.

45. In addition to these cases, there are also irresponsible parents who place their children in situations of risk, and it is at times necessary to

find an alternative environment for the children. Such environments are not many: five institutions for young people, two of which are public and three private, with limited capacity. There are also five institutions for the care of small children, one of which is public and four private.

G. Adoption

46. Adoption is another of the measures to protect children. It is a form of placement requiring a family environment receptive to the child, and has to be supplemented by protection and special aid on the part of the State. Efforts have also been made to lay down regulations for adoption in Burkina Faso. Articles 471 to 507 of the Code on the Individual and the Family contain provisions relating to adoption. The Code provides for:

(a) Legal adoption "simple" or "full";

(b) Customary adoption: this occurs in traditional circles where a child without parents can be placed in the care of a family member or friend of the family, whose duty it is to care for the child as his or her own and to meet the child's material and social needs.

H. Illicit transfer and non-return

47. In accordance with article 35 of the Convention, Burkina Faso has ratified the Convention on the Civil Aspects of International Child Abduction, adopted at The Hague on 25 October 1980. It entered into force on 1 November between Burkina Faso and the following countries: Great Britain, Luxembourg, United States, Netherlands and France.

48. The measures taken to prevent or eliminate illicit transfers and non-return include:

(a) The adoption of Kiti (Decree) No. AN-VII 0319/FP/SAN-AS of 18 May 1990 on the placement and monitoring of children in Burkina Faso, which has curtailed the irregular departure of children from the country;

(b) The elaboration of a nationwide policy for the protection of children in danger;

(c) The adoption of Kiti (Decree) No. AN-IV 212/CNR/EFSN of 26 December 1986 laying down the rules for orphanages and institutions for the care and custody of orphaned and abandoned children.

I. Abuse and neglect, physical and psychological recovery and social reintegration

49. Burkina Faso has acceded to the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and has taken a number of preventive measures concerning children and travel by minors (Decree No. 290/PRES-E.T. of 17 July 1962; Journal Official, 21 July 1962, p. 678).

J. Periodic review of placement

50. Kiti (Decree) No. AN VII-0319/FP/SAN-AS/SEAS of 18 May 1990, on the placement and monitoring of children in Burkina Faso, lays down regulations for the placement and monitoring of children. These regulations are supplemented by Kiti (Decree) No. AN IV-210/CNR/EF-SN of 26 December 1986 laying down the rules governing orphanages and institutions for the care and custody of orphaned and abandoned children. All adopted children or children placed in a family or institution in Burkina Faso receive follow-up treatment from the technical services of the Department of Social Action.

51. A growing number of children are living in particularly difficult conditions in Burkina Faso: according to data collected by the Department of Children's Affairs, there were 477 cases of children in danger in 20 provinces between 1986 and 1990. The following table represents the distribution of the 477 cases according to type and number over a 5-year period:

	1986	1987	1988	1989	1990	TOTAL
Abandoned children and foundlings	31	7	12	18	27	95
Orphans	72	31	66	83	114	366
Other cases	1	4	2	0	9	16
TOTAL	104	42	80	101	150	477

VI. BASIC HEALTH AND WELFARE

52. The measures and action undertaken by Burkina Faso in regard to basic health and welfare are in keeping with the spirit of articles 6, 18, 23, 24 and 27 of the Convention.

A. Survival and development

53. Burkina Faso has developed a strategy to foster the survival and development of children: the National Plan of Action for the Survival, Protection and Development of the Child in Burkina Faso. This global strategy brings together the provisions previously made in each sector on behalf of children:

(a) The Kiti (Decrees) and Raabo (Orders) on the protection of children in danger (orphaned and abandoned children);

(b) The programme to combat malnutrition;

(c) The encouragement and promotion of the work of the associations for the development of children.

54. Burkina Faso's population policy, adopted on 10 June 1991, focuses on the basic right of individuals and couples to decide responsibly on the size of

the family. In the long term, it is aimed at improvement of the people's quality of life, the advancement of women and children's health. The specific objectives of this family planning policy are:

(a) To reduce, the infant mortality rate from 134 per thousand to 70 per thousand and the general death rate by 17.5 per thousand by the year 2000;

(b) To increase, the use of contraception from 40 per thousand to 60 per thousand by the year 2000;

(c) To lower the fertility rate by 10 per cent every five years beginning in 2005 and evaluate it periodically with a view to adapting it to the country's needs, while ensuring respect for the fundamental right of individuals and couples to decide responsibly what the size of their family will be.

55. Strategies focus on the following main areas: mother and child care; adult and child morbidity and mortality; fertility and family planning and information, education and communication in population matters. Activities include consciousness-raising; provision of services; staff training and supervision; operations research and the coordination of action in the field.

B. Disabled children

1. Adoption of social measures

56. By Zatu No. 86 005/CNR/PRES of 16 January 1986, Burkina Faso adopted measures to help the disabled, in health, education, transport and leisure activities. This Zatu (ordinance) introduced a disability card granting disabled people certain advantages:

(a) Right to reduction of health care fees in State health centres;

(b) Reduction of the prices of public transport and leisure activities;

(c) Priority for disabled children to enrol in the schools and vocational institutions closest to their homes;

(d) Systematic extension of the statutory age limit for participation in examinations and competitions, award of scholarships and entry into the civil service;

(e) Calculation of taxes and trading dues for disabled artisans in accordance with the severity of their disability. In addition, all new public buildings must provide for easy access by disabled persons.

2. Development of structures for the supervision and training of disabled people

57. These autonomous structures are basically run by private or religious individuals or entities in cooperation with State structures. Every year,

when the national days of the disabled are held, the Department of Social Action raises the people's awareness through programmes designed to promote a qualitative change in behaviour towards disabled persons.

C. Health and medical services

58. One of the features of the health situation in Burkina Faso is high infant mortality and morbidity. This situation is primarily due to the high incidence of infectious and parasitic diseases, which is known to be aggravated when combined with malnutrition. The unfavourable socio-economic conditions in which most children live and the inadequate coverage by mother and child health services are factors that help keep such diseases widespread.

59. Food taboos due to persistent customary beliefs in certain regions of the country also play a part in malnutrition. Other traditional practices such as circumcision among girls, early marriage, scarring and tattooing affect maternal and child health.

60. The following are among the measures taken to improve children's health:

(a) Holding national vaccination days (November 1989 to November 1990). Adoption of the Bamako Initiative;

(b) Establishment of permanent vaccination centres;

(c) Construction of medical centres and health and social welfare centres throughout the country.

D. Social security and child care services and facilities

61. The right to social security is recognized in Burkina Faso. However, the right to benefits from the National Social Security Fund is linked to a salaried job, which excludes a large part of our population. Thus, most of the population, including children, do not receive such benefits. In view of this situation, the authorities of Burkina Faso are constantly developing specific actions and measures to ensure children's social rights.

62. In 1986 the State began a programme for the extension of day-care centres throughout the country, with the goal of resolving problems in the care, social welfare and education of small children of school age. There were 59 such day-care centres and 30 kindergartens in 1992. Because of economic constraints, there have been some difficulties in conducting the programme. However, there are also initiatives in the countryside to organize the care of children on a seasonal basis.

E. Standard of living

63. Considerable efforts by the State, supported by international organizations and numerous national and foreign non-governmental organizations, are aimed at improving the standard of living of the people, including children, for example:

(a) The adoption of a housing policy consisting of large-scale development operations in the various urban centres, to enable families to have access to housing;

(b) The clean drinking water programme (rural and urban water network and water purification);

(c) Support programmes for women's activities, including paid jobs and activities aimed at lightening women's tasks;

(d) Literacy programmes and schooling for women.

64. To achieve Burkina Faso's global policy on children, and more particularly to implement the NAP, adopted by the Council of Ministers on 5 December 1991, the Government of Burkina Faso decided to step up cooperation with bilateral and multilateral cooperation bodies and national and foreign NGOs. A number of programmes conducted by the Department of Children's Affairs received support from UNICEF, UNDP, the World Bank and WHO. With the introduction of joint projects with the NGOs working for children, it has become easier to channel the various efforts to make operations more effective. All the organizations involved have been taken into account in the preparation of the NAP, which is suggested to them as a guide.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance

65. Parents bear the heaviest responsibility for their children's education and vocational training. Moreover, they are obliged to enrol children in school from the age of 6 through 14 years (Decree No. 289 bis of 3 August 1965, on the reorganization of the primary education system, art. 2). Inadequate State resources to ensure free education for all are a hindrance to the fulfilment of this obligation.

66. In a sustained effort, Burkina Faso has launched a programme for building schools and opening new primary and secondary classes to foster access to school by a greater number of children, with a view to increasing school enrolment rates and eliminating illiteracy. The Government receives support from international organizations and NGOs.

B. Aims of education

67. The aims of education are, in particular:

(a) To make children aware of their responsibilities;

(b) Gradually to help them become socialized, to learn about life and to open their minds to general knowledge and help them grow into responsible women and men.

68. School curricula aim at:

(a) Fostering the development of children's personalities and talents and of their mental, physical and intellectual aptitudes to the full extent of their potential;

(b) Instilling in children respect for human rights and fundamental freedoms, love of their country, respect for their parents (exposure to and participation in cultural activities, exposure to art from primary school onwards: drawing, music);

(c) Preparing children to fulfil their life responsibilities in a free society, with a spirit of understanding, peace, tolerance, equality between the sexes and friendship among all peoples and ethnic, national and religious groups;

(d) Raising children's awareness of the environment in which they live and preparing them to respect and protect it.

C. Leisure, recreation and cultural activities

69. Children are taken into account and fully included in cultural, recreational and leisure activities. Games and participation in artistic and cultural activities are necessary for the child's development. This is taken into account through the establishment of play centres, day-care centres and kindergartens. At home, parents must fulfil their responsibilities by providing their children with an appropriate setting for play.

70. The following are among steps taken by the State in recent years to enable children to participate in artistic and cultural activities:

National Culture Week (SNC), with the awarding of a prize; the National Secondary School and University Arts Festival (FNASS); the prize for the Best Primary School Show (PMSEP); the "DODO" Festival for Children and the Institute of Black Peoples Club for Secondary School Students.

71. In addition to these steps, the State encourages the private sector, NGOs and institutions to make efforts in this area. There are several theatre and artistic troupes: the Burkina Faso Theatre Workshop (ATB), the Brotherhood Troupe, the Feeren Company, the Wande Troupe, and so on. Two other well-known events at the international level are the Ouagadougou Pan-African Cinema and Television Festival (FESPACO) and the Ouagadougou International Crafts Show (SIALO).

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

1. Refugee children

72. Burkina Faso has acceded to the African Charter on the Rights and the Welfare of the Child and has taken measures to protect and assist refugee children. It receives support and assistance from the Office of the

United Nations High Commissioner for Refugees, NGOs and other international organizations to help it receive Touareg refugees fleeing the armed conflicts in Mali and Niger. In June 1992, refugees in Burkina Faso numbered 3,104, including 1,949 children from up to 20 years of age.

2. Children in armed conflicts

73. As regards Touareg children, measures are being taken to look after the victims taken in by Burkina Faso, including children, in matters pertaining to food and shelter, health care and schooling.

B. Children in conflict with the law

1. Administration of juvenile justice

74. Minors are presumed to have no responsibility under criminal law. Act No. 19-61 AN of 9 May 1961 divides minors into two categories: those over 13 years of age and those under 13. Minors under 13 years of age are covered by absolute immunity from criminal responsibility, and those over 13 by relative immunity. However, immunity does not mean that educational measures cannot be applied.

2. Treatment of children deprived of their liberty

75. When a juvenile is sentenced to deprivation of liberty, the sentence is served in a reformatory. Children should be separated from adults, but in actual fact, because of the lack of specialized detention facilities, convicted minors are held under the same conditions as adults. It should also be noted that there is a very small number of centres for reception, rehabilitation and social reintegration and a lack of screening centres so that appropriate measures can be taken to avoid all children being held under the same conditions.

3. Sentencing of juveniles

76. Juveniles aged 13 and under cannot be sentenced. Juveniles over 13 years of age are liable to half the sentences applicable to adults. In cases carrying the death penalty or life imprisonment, the death penalty is commuted to life imprisonment and life imprisonment to 20 years' imprisonment.

4. Physical and psychological recovery and social reintegration

77. According to a survey conducted in 1990 by the Office for Social Reintegration in the two main cities (Ouagadougou and Bobo-Dioulasso), there were 110 "street children" and 2,967 "children in the street". A non-exhaustive census conducted in 1986 by the same office resulted in the figure of 1,500 for child beggars. Because of this situation, policy on supervision of children in difficulty was oriented towards education in an open environment. The establishment of screening centres in the framework of the implementation of the NAP would improve the conditions of child ex-prisoners.

C. Children in situations of exploitation

1. Economic exploitation

78. A number of activities have aimed at diminishing the economic exploitation of children:

(a) Attempts to organize the informal sector, in which many children and young people are found;

(b) Supervision of street children and street youths through various activities, both in an open environment and in specialized re-education and vocational training institutions;

(c) Attempts to keep rural youth in their villages through activities conducted by the young farmers' training centres (FJAs).

79. Child prostitution has been increasing in recent years, in particular among young people in precarious jobs or without employment. The underlying causes of prostitution in Burkina Faso are of an economic and social nature.

2. Drug abuse

80. Legislation in Burkina Faso, in particular the Health Code, governs the purchase, possession and sale of drugs and psychotropic substances. In view of the increase in drug abuse in the country, this legislation is currently being reviewed for the purpose of adapting it to the situation. In addition, a national committee will very shortly be established to coordinate and monitor action to combat the illicit drug traffic and drug abuse.

3. Sexual exploitation and sexual abuse

81. Strategies to combat soliciting for the purposes of prostitution were adopted by the Council of Ministers on 22 November 1983. They span several areas: initially, information and awareness-raising, followed by implementation and monitoring of the legislation in force. These measures are also aimed at combating sexual exploitation.

82. There are no special legal measures of protection against sexual abuse in Burkina Faso. However, anyone committing such an offence is the subject of severe social opprobrium when he is an ascendant of the victim. Similarly, there is no special legislation on incest. In such cases, social opprobrium can ultimately result in the exclusion of the person or his accomplice from his social surroundings and even repudiation by the family. Children born of incestuous relations are also rejected. They are often taken in by the Social Welfare Office (when it is so informed), which puts them up for adoption. Criminal proceedings against the perpetrators of acts of family violence are rare owing to the fact that such acts are practically never reported to the authorities.

4. Other forms of exploitation

83. No other forms of exploitation of children in Burkina Faso have been observed as yet.

5. Sale, trafficking and abduction

84. No sale, trafficking or abduction of children in Burkina Faso has been observed.

D. Children belonging to a minority or an indigenous group

85. Legislation in Burkina Faso prohibits all discrimination based on race, ethnic group, region, colour, sex, language, religion, caste, political opinion, wealth and birth (Constitution, art. 1). Children belonging to a minority or an indigenous group enjoy the same rights as all citizens of Burkina Faso and all foreigners.